

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CRIMINAL APPLICATION No 1726 of 1996

For Approval and Signature:

Hon'ble MR.JUSTICE M.S.PARIKH

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

SHRIMALI KANTIBHAI HARIBHAI

Versus

STATE OF GUJARAT

Appearance:

The petitioner assisted by Ms SUBHADRABEN PATEL, L.A.
MR MR ANAND, PP with MR ND GOHIL, APP for Respondent
No. 1

CORAM : MR.JUSTICE M.S.PARIKH

Date of decision: 28/01/97

ORAL JUDGEMENT

Rule. Service of rule waived by Mr. M.R. Anand,
Ld. P.P. with Mr. N.D. Gohil, Ld. A.P.P. for the
respondents.

2. Heard. The prayer in this petition moved by the
petitioner through jail is to direct the concerned jail

authority to pay the balance amount lying to the credit of the petitioner in the jail post office for constructing/repairing a house in which the petitioner's sister is alleged to be residing. The respondents filed a statement inter-alia showing that the petitioner has been permitted withdrawals at the rate of 25% respectively on 30/12/1992, 19/3/1994 and 22/7/1996 as per the Government resolution no. GLK/4883/1738/J dated 9/4/1984. The petitioner has been a convict under the provisions of the sections 8 and 20 B(2) of the Narcotic Drugs and (Phychotropic Substances) Act, 1985 and sentenced to imprisonment of 10 years and fine of Rs.1 lac, in default imprisonment of one year and as per the Government resolution, which has been read by the learned advocate Ms. Subhadraaben Patel assisting the petitioner's cause, the petitioner would not be entitled to the prayer in this petition, particularly in view of the facts set out in the report of the Deputy Superintendent, Ahmedabad Central Prison, submitted in reply to the petition.

Hence, in the facts of the case, rule is discharged.

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